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10/562,343	08/09/2006	Ari Kahn	504899.00002	4122
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Reed Smith LLP P.O. Box 488 Pittsburgh, PA 15230-0488			EXAMINER NGUYEN, PHUNG HOANG JOSEPH	
			ART UNIT	PAPER NUMBER
			2614	
			NOTIFICATION DATE	DELIVERY MODE
			12/02/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/562,343	<b>Applicant(s)</b> KAHN, ARI	
	<b>Examiner</b> Phung-Hoang J. Nguyen	<b>Art Unit</b> 2614	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2011.
- 2a) ☒ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-18 and 20-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-18, 20-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

The previous Final action filed on 11.3.11 is withdrawn. This action is derived from an interview held on 11/14/11. Argument is moot in view of the ground of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 4-7, 16-18, 20, 21, 23-26, and 35-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holter et al (US Pub 2004/0029561 – disclosed by applicant) in view of Simonen et al (US Pub 2001/0050982).**

Claims 1 and 21, Holter teaches a method and a system of operating a telephony service on a telephony network, the method comprising:

a) at a telephony service location remote from a caller and a call recipient ***(FIG. 1 shows the parties involved. The calling party (1) initiates the connection. The called party (3) is the one he/she wants to reach. In order to reach this second party (for instance a person, a service provider in a network, or a company), he/she is using the network. This network might for example be the telephony network or the Internet, [0019]):***

b) receiving, from the caller, a request for establishing a connection to the call recipient, the request having been initiated by the caller specifying a number associated with the call recipient (***The calling party (1) initiates the connection. The called party (3) is the one he/she wants to reach, [0019];***

c) receiving a command signal (***subsequently, the called party (3) will then be requested through a notification (11) if he/she is willing to take the costs for the call from that actual time until the connection is closed. Examples of notification are a special tone, a light or a text message, [0023]. Examiner notes that Holter discusses the reverse changing service wherein the calling party sends a command signal requesting the called party to accept charge for the call)*** during a call connect process (***examiner notes that while the emphasis of the discussion is “during an active call”, it could also take place “during the call establishment” that is during the call set-up when the calling and called parties are not in active communication yet, [0021]).***

c1) the command signal being a single command that is interpreted by the telephony service without the necessity of any additional command being sent (***Subsequently, the called party (3) will then be requested through a notification (11) if he/she is willing to take the costs for the call from that actual time until the connection is closed. Examples of notification are a special tone, a light or a text message, [0023]. Here examiner notes that when the notification, more specifically, the reverse charge service***

***notification is sent by the calling party, the network will do the analysis and waiting for the called party to response); and***

c2) the call connect process including at least one phase from a group consisting of a dial phase and an originating phase ***(calling party initiate the connection, [0019]); and***

d) in response to receiving the command signal, initiating a service or transaction between the caller and the call recipient ***(Holter's claim 1: transmitting a reverse charging request to said called party (3) from said intelligent node asking if he/she accepts being charged partly or totally for said call or service. Then the called party will be charged for the call and not the usual calling party, [0023]. The present invention relates to a method for enabling a called party to optionally pay for a call or service, or parts of a call or service (hereafter, a call or service will only be designated as a call) initiated by a calling party, see Abstract)*** other than a standard call connection transaction, without connecting the caller through to the call recipient (that is during the call establishment or call setup wherein the calling and called parties are not in an active call yet, [0021].

While Holter teaches that the network sending the signal inquiry to the called party, [0023], Holter does not however teach the caller sends the command signal as claimed "the command signal is received from a communication device of the caller".

Simonen teaches the claimed feature as he discusses **"This telecommunication system comprises a registering point where received charge messages are distinguished from each other e.g. on the basis of tariff category**

Art Unit: 2614

**and signaling point code. Moreover, the system comprises a first telephone exchange, to which the A-subscriber is connected, and a second telephone exchange, to which the B-subscriber is connected. The second telephone exchange uses charge calculation based on charge messages of both the originating and terminating sides. In this charge calculation a charge message is sent from the originating side to the registering point during the establishment of the connection, [0009]; The A-subscriber, using his/her telecommunication terminal, calls the B-subscriber. During the call set-up, a CHG message containing charge data is sent from the B-subscriber's telephone exchange BX to the registering point RP, block 21. This message is first stored on the originating side, block 21a, and then transmitted from the originating side O of the exchange, [0025]”.**

Here examiner notes that during the call setup stage, the signal command (charge message) is sent from the caller's terminal side to the registering node for verification. This feature is missing in Holter and is remedied by Simonen.

Therefore it would have been obvious to the ordinary artisan at the time of the invention was made to incorporate the teaching of Simonen into the teaching of Holter for the purpose of verifying whether the fund is adequate for service.

Claims 4 and 23, Holter in combination with Simonen teach the telephony service network is further configured to prompt the caller to provide the command signal **(In the prepay situation, the caller sets up a call with the network and by the inherent**

**nature of prepay call, caller will provide the command signal. In postpay situation, called party will be prompted for the signal, Abstract and [0023]).**

Claims 5, 6, 24 and 25, Holter in combination with Simonen teach the service or transaction is automatically initiated in response to at least one criterion, wherein the criterion includes at least one attribute of the caller or the call recipient, wherein at least one attribute includes credit information (**Par. [0023] shows that the reverse charging service information is registered in the network's database wherein network would determine if the charge is be postpaid or prepaid by credit card, calling card or paying cash).**

Claims 7 and 26, Holter in combination with Simonen teach command signal is initiated by the caller prior to the originating phase,**(see claim 4 and Abstract [0021, 0023]).**

Claims 16, 17, 35 and 36, Holter in combination with Simonen teach associating indicated the service or transaction initiated by the command signal with the caller as identified by a telephone number of the caller; wherein the telephone number of the caller is derived from a caller line identity (CLI) (See Holter's claim 1 wherein a pre-defined list identifying subscribers from which called party allows reverse charging service. Certainly this implies CLI).

Claims 18 and 37, Holter in combination with Simonen teach associating the service or transaction with the command signal based on the call recipient (**Examples of notification are a special tone, a light or a text message. The called party (3) is responding positively, for example, by dialing a certain number, or typing a**

**password. An exchange or an intelligent node of the network (12) determines the response, [0023]).**

Claims 20 and 38, Holter in combination with Simonen teach the service or transaction is an override of a conventional billing protocol of the telephony network supporting the telephony service (The reverse charging service is special service arranged by the calling and/or called parties, [0002, 0023]. Examiner reads that the special service would override the conventional billing known in the art).

**Claims 8 and 27 are rejected under 35 U.S.C.103 (a) as being unpatentable over Holter in view of Simonen and further in view of Parsons et al (US Pub 2002/0085701).**

Claims 8 and 27, Holter in combination with Simonen teach operating a telephone service, namely reverse charging service, she does not teach the command signal is initiated by prefixing the command signal to a telephone number.

Parsons teaches the feature of prefixing or appending a message to a dialed number as Parsons discusses *“the IVR may be further configured to allow certain or all of these messages to be appended with numeric information (since callers almost universally will be able to enter numbers via a phone keypad). For example, the “call me” message can be appended with the caller’s phone number. The IVR 214 provides the messaging application 210 with the caller’s message selection and any appended message information, [0102]”* to provide unified communications and messaging management based on a user’s presence information, (Abstract)”.



Therefore it would have been obvious to the ordinary skilled artisan at the time of the invention was made to incorporate the teaching of Parsons into the teaching of Holter for the purpose of enhancing the telephone service by not just sending the telephone number for connection but also unifying the telephone number and the appended signal or code of service (e.g., billing, charging, banking, restaurant...) as one to the recipient.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 3, 9-13, 22 and 28-32 are rejected under 35 U.S.C.103 (a) as being unpatentable over Holter in view of Simonen and further in view of Guibourge (US Pub 2004/0119755).**

Claims 3, 9-13, 22 and 28-32, Holter in combination with Simonen operating a telephone service, namely reverse charging service, using command signal, Holter does not teach the received command signal is associated with the activation of activating a single dedicated key on a keypad of a communication device, wherein each of the plurality of keys is associated with a service or transaction from among the plurality of services or transactions; wherein the plurality of keys includes at least one of a "\*" key, a "#" key a "0" key; wherein activating a dedicated key comprising transmitting the

Art Unit: 2614

command signal and the dedicated key is selected from a group comprising a "@" symbol, a color coded key, a programmable key, and a button;

Guibourge teaches "quick dialing methods and systems for use with communications devices are described. Such communications devices are often characterized by a limited keypad to enter and access contact numbers. The described quick dialing technique reduces the number of keys used to dial a number, and thus a device using the technique may be operated blindly or with one hand, par. 0005).

Furthermore, Guibourge teaches attributes such as colors, sounds, text fonts, graphics (i.e., pictures, icons, photos, images, animations, and bitmaps), and sorting methods are optionally assigned to lists and to the contacts within each list. When a contact is selected or dialed by actuating a key, for example, color and sound attributes associated with the list containing the contact are displayed, thereby providing visual and non-visual cues that correct keys have been actuated.

Therefore, it would have been obvious to one of the ordinary skilled in the art at the time the invention was made to incorporate the teachings of Guibourge into Holter for the purpose of providing the greater service to the subscriber who can program or prefixing their phone and assign a specific function or service for different key on the pad. Few examples are listed as banking, movie, school, library, restaurant, friend or family and many more. It is also leave the choices to the subscriber to assign any specific key to his or her choice of service. If one would want to associate the "#" key with commercial banking transactions, it would be his/her choice. If one would want to color-coded or (illumination) light-code, it would also be his/her choice. Even from the

Art Unit: 2614

development perspective, it would also be obvious to practice that it is an engineering design to assign a specific key of choice to specific function or service for the most convenience. (Examiner's point of clarification: It is well-known in the art that key "0" was reserved for the network operator and information services access. However, with the big leap of telephonic advancement with so many pioneering developments in this filed, greater demands for better and quick service came along, key "0" is now reserved for interacting with the network operator while "411" is assigned to the information services access. Similar in practice, "911" is for emergency).

**Claims 14, 15, 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holter in view of Simonen and further in view of Infosino (previously disclosed).**

Claims 14, 15, 33 and 34, Holter in combination with Simonen command signal, she does not teach the command signal is received upon activation of a biometric trigger, wherein the biometric trigger is based on either voice or fingerprint recognition.

Infosino teaches the claimed feature (see figs. 2 and 4, wherein the voice received from the user device is compared with the voice pattern in the database, [0021, 0024, 0028, 0034-0037]).

Therefore it would have been obvious to the ordinary artisan at the time of the invention was made to incorporate the teaching of Infosino into the teaching of Holter for the purpose of authentication call parties entitled to the reverse charging service. This

Art Unit: 2614

process will help prevent future dispute when the responsible party received payment from the service provider.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung-Hoang J. Nguyen whose telephone number is (571)270-1949. The examiner can normally be reached on 7:30 AM EST - 5:00 PM EST.

Art Unit: 2614

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Phung-Hoang J Nguyen/  
Primary Examiner, Art Unit 2614